

Serial No. 10/665,024

REMARKS

In the Office Action mailed May 12, 2005, the Examiner rejected claims 1-2, 6, 8-10, and 12 under 35 USC Section 102(e) as being unpatentable over Furnas. Claims 3-4 were rejected under 35 USC Section 103(a) as being unpatentable over Furnas in view of Fukuyama. Claim 7 was rejected under 35 USC Section 103(a) as being unpatentable over Furnas in view of Baiker. Claims 5 and 11 were objected to as being dependent upon a rejected base claim, but otherwise allowable. In view of the following comments, the Examiner's rejection is respectfully traversed and reconsideration of the claims as presented herein is requested.

Furnas discloses alert muting using a microphone. The signal from the microphone is used to detect whether a "user manual signal" (paragraph 45) compares successfully to "a stored value" (paragraph 46). However, Furnas does not disclose an electrical signal generated in response to the speaker detecting movement of the wireless communication device or muting an alert in response to the electrical signal exceeding a threshold level, and thus can not anticipate claim 1. Furnas does not disclose comparing the signal level on the speaker element to a threshold value, and in response to the signal level exceeding the threshold value, muting the alert, and thus can not anticipate claim 9. Furnas also fails to disclose the electrical circuit responsive to an electrical signal generated in response to an element of the speaker being moved by a force impacting the housing and muting the alert in response to the electrical signal exceeding a threshold, and this can not anticipate claim 13.

The secondary reference to Fukuyama et al. discloses a Loudspeaker. The Applicant's respectively submit that a loudspeaker can not be used to replace the microphone of Furnas, let alone to detect an audio signal that can be compared to a stored value. Accordingly, there is no motivation to substitute the loudspeaker of Fukuyama for the microphone of Furnas, and such substitution would destroy Furnas.

The prior art cited by the Examiner fails to disclose a peak hold circuit and a comparator coupled to the peak hold circuit for detecting when the electrical signal exceeds the threshold. Accordingly the prior art can not anticipate or render unpatentable the invention defined in claim 16.

Serial No. 10/665,024

Accordingly it is respectfully submitted that the claims are in condition for allowance. A Notice of Allowance is solicited.

Respectfully Submitted  
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